



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 01-1096)

In re Application of:

Fritz et al.

Serial No. 09/780,206

Filed: February 9, 2001

For: System for Simple Nucleic
Acid Analysis

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)
) Group Art Unit:1637
)
) Examiner S. Chunduru
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Mail Stop APPEAL BREIF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

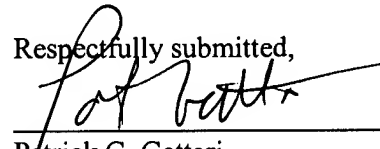
Dear Sir:

TRANSMITTAL LETTER

In regard to the above identified application,

1. We are transmitting herewith the attached:
 - a) Communication Regarding Applicants Intent to Rely on Previously Filed Reply Brief;
 - b) Return receipt postcard.
2. With respect to fees:
 - a) No fee is required.
 - b) The Commissioner is hereby authorized to charge our Deposit Account, No. 13-2490 for any fees which may be required or to credit any overpayment.

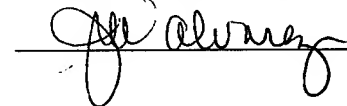
Respectfully submitted,


Patrick G. Gattari
Registration No. 39,682

McDonnell Boehnen
Hulbert & Berghoff LLP
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Chicago, IL 60606
Telephone: (312)913-0001

CERTIFICATE OF MAILING (37 C.F.R. 1.10)

I hereby certify that this correspondence and the attached papers are being deposited with the United States Postal Service as U.S. Mail No. in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 13 day of August, 2007.





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**COMMUNICATION REGARDING APPLICANTS INTENT TO
RELY ON PREVIOUSLY FILED REPLY BRIEF**

Applicants filed their opening Brief on December 29, 1007. The Examiner mailed an Answer on March 12, 2007. Applicants filed a Reply Brief on May 14, 2007 (a Monday).

The Office mailed a Notice of Non-Compliant Appeal Brief on May 10, 2007. Applicants filed an Amended Appeal Brief on May 24, 2007. The Examiner mailed a second Answer on July 31, 2007. The second Answer is identical the Examiner's Answer filed on March 12, 2007.

Applicant wish to rely upon the Reply Brief that they filed on May 14, 2007. Therefore, Applicants have not filed a second Reply Brief. Applicants request that the

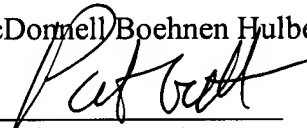
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I hereby certify that this correspondence is being deposited with the United States Postal Service as U.S. Mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 13, 2007.

Board consider the Reply Brief filed on May 14, 2007 as responsive to the Examiner's Answer mailed on July 31, 2007.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

A handwritten signature in dark ink, appearing to read "Patrick G. Gattari", is written over a horizontal line.

Patrick G. Gattari

Reg. No. 39,682

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